Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

is enclosed herewith.

PTO/SB/61 (11

Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Docket Number (Optional) TITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED

| UNAVOIDABLY U | NDER 37 CFR 1.137(a) | 1531.015000Н |
|--|--|--|
| First Named Inventor: Tim Blair | Art Unit: 217 | 6 |
| Application Number: 09/848,437 | Examiner: | Khanh B. Pham |
| Filed: 5/4/2001 | | |
| Title: SYSTEM, METHOD, AND C | OMPUTER PROGRAM PRODUCT | FOR KINE CEIVENGEMENT |
| Attention: Office of Petitions Mail Stop Petition | | MAR 1 0 2004 |
| Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 | | OFFICE OF PETITIONS |
| NOTE: If information or a Petitions Informat | ssistance is needed in completing th ion at (703) 305-9382. | is form, please contact |
| The above-identified application became a the United Sates Patent and Trademark C period set for reply in the Office notice or a | office. The date of abandonment is the | ne day after the expiration date of the |
| NOTE: A grantabl (1) Petition fee (2) Reply and/ (3) Terminal d before Jur | or issue fee. | s: d for all utility and plant applications filed tions; and |
| 1. Petition fee | | |
| Small entity – fee \$ See 37 CFR 1.27. | (37 CFR 1.17(l)). Applicant | t claims small entity status. |
| Other than small entity – | fee \$110 (37 CFR 1.17(I) |). |
| 2. Reply and/or fee | | |
| | re-noted Office action in the form of 7 C.F.R. 1.111 (iden | ntify the type of reply): |
| has been filed previously | on | · |
| x is enclosed herewith. | 03/09/2004 MGEBREM1 000000 | 70 09848437 |
| B. The issue fee of \$ | 01 FC:1452 | 110.00 OP 😤 👷 |
| has been filed previously | on | 50.00 m 50.00 m |

[Page 1 of 3]

[Page 1 of 3]
This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/61 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

| 3. Terminal disc | laimer with disclaimer fee |
|-----------------------------|--|
| Ŋ | Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required |
| | A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity of \$ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63). |
| An adequate for the reply u | showing of the cause of the delay, and that the entire delay in filing the required reply from the due date antil the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed. |
| WARNIN be inclu | IG: Information on this form may become public. Credit card information should not ded on this form. Provide credit card information and authorization on PTO-2038. |
| _3) | Signature Signature |
| Teleph 33,511 | 949-3100 Steven M. Hoffberg Typed or printed name Milde & Hoffberg LLP 10 Bank Street - Suite 460 Address |
| | White Plains, NY 10606 Address |
| Enclosure 🖾 | Fee Payment |
| \mathbf{x} | Reply |
| | Terminal Disclaimer Form |
| <u> </u> | Additional sheets containing statements establishing unavoidable delay |
| | Request for Refund |
| | |
| depos class | CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a)) by that this correspondence is being: sited with the United States Postal Service on the date shown below with sufficient postage as first mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, andria, VA 22313-1450. |
| transr (703) | mitted by facsimile on the date shown below to the United States Patent and Trademark Office at 872-9306. Signature Signature |
| | Steven M. Hoffberg |
| | Typed or printed name of person signing certificate |

PTO/SB/61 (11-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED

| TE: The following showing of the cause party who is presenting statements | e of unavoidable delay must be signed by all applicants or by any oth concerning the cause of delay. |
|--|--|
| 315/04 | 12/ |
| Dąte | Signature |
| 33,511 | Steven M. Hoffberg |
| Registration Number, if applicable | Typed or printed name |
| (In the space provided below please | e explain <u>in detail</u> the reasons for the delay in filing a proper reply.) |
| (iii the space provided below, please | e explain in detail the reasons for the delay in lining a proper reply.) |
| | |
| | |
| | |
| | |
| | |
| Se | ee attached sheet |
| | · |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

(Please attach additional sheets if additional space is needed.)

The delay in filing a proper reply to the Office Action dated June 25, 2003 resulted directly from the fact that the correspondence from the U.S. Patent and Trademark Office was misdirected, and never received by counsel of record until March 5, 2004.

On information and belief, and after due investigation, it is believed that the Office Action was sent to Aurigin Systems, Inc. in Cupertino, CA. While the facility of the former Aurigin Systems, Inc. is occupied by MicroPatent, assignee of the present invention, MicroPatent did not assume ownership of Aurigin Systems, Inc., which on information and belief, remains a paper entity.

It is not clear what became of the original Office Action.

Applicants filed a Power of Attorney and Change of Address in the present application on or about August 9, 2002. Further correspondence from our office was sent February 28, 2003.

It is further respectfully submitted that the application was unavoidably abandoned, and the application should be restored to the active docket.

315/64